

REMARKS

The Office Action of June 26, 2007 and the references cited therein have been carefully considered.

In this Amendment, the Specification has been amended to correct noted informalities and the original claims 1-9 likewise have been amended only to correct noted informalities without in any way changing the scope of these claims. Additionally, new claims 10- 15, dependent on claim 1 have been added to more specifically define additional features and combinations of features of the novel roughness measuring device according to the invention.

The rejection of claims 1-5 under 35 U.S.C. 102(b) as being anticipated by the patent to Adams has been noted and is respectfully traversed. In rejecting claim 1 over the Adams patent, the Examiner has assigned a very broad meaning to certain of the claim terms, e.g., "recess", "receiving device" etc., in order to attempt to read the claim language on the device of Adams. However, even accepting the Examiner's positions with regard to the enumerated terms, it is noted that the Examiner has made no mention of the limitations in the last four lines of claim 1. That is, there is no mention of the testing standard being located on the receiving device such that the receiving device can hold the roughness sensor in either a measuring position, wherein it can measure the roughness of a surface, or a different calibrating position, wherein it can engage the testing standard. This is not surprising since this latter limitation is neither present or possible with the device of Adams.

According to the Adams patent, the tip of the stylus 46 of the sensor is in contact with the workpiece 16, and is held by pickup head 26 connected to a slide 31. Movement of slide 31 causes the stylus to move across the surface of a workpiece. However, it is necessary to position the guide rails 25, 27 at the correct vertical height in order to keep the stylus within its active range. For this purpose, a vertically moveable carriage having a nose 344 which rests on the workpiece and controls the vertical position of the reference surface and thus constantly monitors the vertical position of the measuring head is provided. Note that the position of the measuring

head does not change between two different positions relative to a measuring and calibrating positions as required by claim 1.

According to the present invention as defined in claim 1, the measuring head can be either in a measuring position or in a different calibration position, wherein it is effectively in an inactive measuring position. Accordingly, for the above stated reasons, it is submitted that claim 1, and consequently claims 2-5 dependent thereon, are allowable over the Adams patent under 35 U.S. C. 102(b).

The rejection of claims 6-9 under 35 U.S.C. 103(a) as being unpatentable over the patent to Adams has been noted and likewise is respectfully traversed. Initially, it is pointed out that each of these claims is dependent on claim 1 and therefore is allowable over the Adams patent for at least the same reasons as that claim. It is further submitted that in view of the completely different manners in which the device according to the present invention and the device of Adams operate, and contrary to the position taken by the Examiner, it would not be an obvious design choice to attempt to incorporate the features of these claims into the device of Adams.

Newly presented claims 10-15 are each dependent on claim 1 and therefore are submitted to be allowable over the Adams patent under 35 U.S.C. 102 and 103 for at least the same reasons as stated above. Moreover, these claims, with claims 11-15 being dependent on claim 10, all contain additional features that are not taught or made obvious by the Adams patent. Claim 10 specifically states that the feeder device is mounted in the recess of the receiving device for both translational movement along a workpiece and rotational movement between a measuring and a calibrating position. Clearly the device of Adams does not permit any rotational movement, or even any movement between measuring and calibrating positions. Claim 11 requires that the measuring and calibrating positions be diametrically opposite one another, while claim 12 recites that the recess and the feeder housing are both cylindrical. Again, no such features are found in the Adams device. Finally claims 13-15 contain the features of claims 7-9, respectively, and thus clearly are not taught or made obvious by the Adams patent.

In view of the above amendments and for the above stated reasons, it is submitted that all of the pending claims, i.e., claims 1-15, are allowable over the prior

art of record and are in condition for allowance. Such action and the passing of this application to issue are respectfully requested.

If the Examiner is of the opinion that the prosecution of the application would be advanced by a further personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

By: 
Norman N. Kunitz
Registration No. 20,586

FITCH, EVEN, TABIN & FLANNERY
1120 20TH Street, N.W., Suite 750S
Washington, DC 20036
Telephone: (202) 419-7000
Facsimile: (202) 419 -7007